

## **REMARKS**

Claims 1-10 and 96 are pending in this application, and were rejected under 35 U.S.C. §102(e) as being anticipated by Yoshida et al. (U.S. 2001/0055968 A1).

Regarding the rejection of independent Claim 1 under §102(e), the Examiner states that Yoshida et al. anticipates this claim.

Yoshida et al. discloses a mobile station and a method of reducing interference among radio channels in the mobile station. Claim 1 recites a transmission method in a base station. Claim 1 recites transmitting a common channel signal at a first predetermined power level. Transmitting a common channel at a first power level is of course known in the art.

Claim 1 goes on to recite that a pilot signal is transmitted at a second predetermined power level. Transmitting a pilot signal at a power level different from other channel signals is also known in the art.

Claim 1 goes on further to recite that the pilot signal is transmitted at a power level greater than the second predetermined power level for a predetermined time period. The pilot signal recited in Claim 1 is transmitted at two power levels, i.e. a second power level and a power level greater than the second power level. In addition, the pilot signal is transmitted at the power level greater than the second power level for only a predetermined time period.

Yoshida et al. only transmits any one pilot signal at one power level.

As neither of the above elements is disclosed by Yoshida et al., the rejection under §102(e) must be withdrawn.

Independent Claim 1 is believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-10 and 96, these are likewise believed to be allowable

by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-10 and 96 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-10 and 96, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written in a cursive style.

Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant

DILWORTH & BARRESE  
333 Earle Ovington Blvd.  
Uniondale, New York 11553  
Tel: (516) 228-8484  
Fax: (516) 228-8516

PJF/MJM/dr